

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA, Plaintiff, v. CHARLES ROLAND CHEATHAM, et al., Defendants.	NO. CR18-131RAJ STIPULATED PROTECTIVE ORDER
UNITED STATES OF AMERICA, Plaintiff, v. MICHAEL SCOTT MORGAN, et al., Defendants.	NO. CR18-132RAJ

1 UNITED STATES OF AMERICA,

2 Plaintiff,

3
4 v.

5 BOBBY BEASLEY,
6 WESLEY ARMSTRONG,
7 CLEOPHUS SHEPARD,
8 JIHAD ZEIGLER,

9 Defendants.

NO. CR18-144RAJ
CR18-145RAJ
CR18-147RAJ
CR18-161RAJ

10
11 This matter, having come to the Court's attention on the parties' joint motion for
12 entry of a discovery protective order, and the Court, having considered the motion, and
13 being fully advised in this matter, hereby enters the following PROTECTIVE ORDER:

14 1. **Protected Material.** For purposes of this Order, "Protected Materials"
15 shall include (1) Grand Jury testimony; (2) wiretap materials (including wiretap
16 pleadings, already under seal by prior order of the Court); (2) financial information,
17 subscriber information (including phone and utility subscriber information for third
18 parties) and other personal identifying information ("PII")¹ obtained during the
19 investigation, either via Grand Jury subpoena and/or during the execution of search
20 warrants; (3) other personal information about defendants and third parties, including but
21 not limited to photographs (including sexually suggestive photographs of family
22 members, defendants and/or witnesses) and other sensitive information obtained from the
23 search of social media, cellular telephones and other digital devices seized during the

24
25 ¹ "PII" includes, but is not necessarily limited to, the information identified in Fed. R. Crim. P. 49.1(a) and includes
26 full names, dates of birth, Social Security numbers (or other identification information), financial account
27 information (including account numbers), tax information, driver's license numbers, addresses, telephone numbers,
28 locations of residences or employment, medical records, school records, juvenile criminal records, and other
confidential information. The government has endeavored to redact PII as appropriate, but the parties acknowledge
and agree that this will not always be possible, and that in some instances un-redacted PII may be necessary to the
defense.

1 investigation (collectively, the “Protected Material”). All Grand Jury transcripts,
2 wiretap materials (including wiretap pleadings, which are already sealed by prior order of
3 the Court), cellular telephone downloads, financial records, and summaries of financial
4 records provided during discovery will be considered Protected Material without further
5 designation by the Government.

6 2. Other information believed by the Government to be Protected Material
7 will be so designated by the Government. Said material may include, but is not limited
8 to, criminal history reports for defendants and/or prospective government witnesses and
9 related *Giglio* impeachment materials.

10 3. **Production of Protected Material to the Defense.** The United States will
11 make available copies of the Protected Materials, including those filed under seal, to
12 Coordinating Discovery Attorney Russell M. Aoki and/or directly to defense counsel to
13 comply with the government’s discovery obligations. Possession of copies of the
14 Protected Materials is limited to the Coordinating Discovery Attorney and his staff,
15 attorneys of record, and investigators, paralegals, law clerks, experts and assistants for the
16 attorneys of record (hereinafter collectively referred to as “members of the defense
17 teams”). Further, the attorneys of record are required, prior to disseminating any copies
18 of the Protected or Sensitive Materials to members of the defense teams, to provide a
19 copy of this Protective Order to members of the defense teams, and obtain written
20 consent by members of the defense teams of their acknowledgment to be bound by the
21 terms and conditions of this Protective Order. The written consent need not be disclosed
22 or produced to the United States unless requested by the Assistant United States Attorney
23 and ordered by the Court.

24 4. **Review of Protected Material by Defendants.** The attorneys of record
25 and members of each Defendant’s defense team may share and review the Protected
26 Material with their respective Defendant. Defendants who are residing at the Federal
27 Detention Center (FDC) will be permitted to review the Protected Material, consistent
28 with the regulations established by the BOP, with or without their respective counsel in a

1 controlled environment at the Federal Detention Center (FDC), but will be prohibited
2 from printing out, copying, or disseminating the discovery. Defendants who are on
3 pretrial release will be permitted to review the Protected Material at the offices of their
4 counsel, but will be prohibited from printing out, copying, or disseminating the
5 discovery.

6 **5. Limits on Dissemination of Protected Materials.** The attorneys of record
7 and members of the defense team acknowledge that providing copies of the Protected
8 Material to the Defendants and other persons is prohibited, and agree not to duplicate or
9 provide copies of the Protected Material to the Defendants and other persons. This order
10 does not limit employees of the United States Attorney's Office for the Western District
11 of Washington from disclosing the Protected Material to members of the United States
12 Attorney's Office, federal law enforcement agencies, witnesses and to the Court and
13 defense as necessary to comply with the government's discovery obligations.

14 **6. Future Production of Additional Protected Materials.** Additional types
15 of discovery items may be deemed by the parties to constitute Protected Material upon
16 agreement, or (if no agreement can be reached) by further order of the Court.

17 **7. No Waiver.** Nothing in this order should be construed as imposing any
18 substantive discovery obligations on the government that are different from those
19 imposed by case law and Rule 16 of the Federal Rules of Criminal Procedure. The
20 failure to designate any materials as provided in paragraph 2 shall not constitute a waiver
21 of a party's assertion that the materials are covered by this Protective Order.

22 **8. Use of Protected Material in Court.** Any Protected or Sensitive Material
23 that is filed with the Court in connection with pre-trial motions, trial, or other matter
24 before this Court, shall be filed under seal and shall remain sealed until otherwise ordered
25 by this Court. This does not entitle either party to seal their filings as a matter of course.
26 The parties are required to comply in all respects with the relevant local and federal rules
27 of criminal procedure pertaining to the sealing of court documents.
28

1 9. **Non-Termination.** The provisions of this Order shall not terminate at the
2 conclusion of this prosecution. Furthermore, at the close of this case, defense counsel
3 shall return the Protected Material, including all copies of the Protected Material, to the
4 office of the United States Attorney, or otherwise certify that the material has been
5 destroyed.

6 10. **Violation of Order.** Any person who willfully violates this order may be
7 held in contempt of court and may be subject to monetary or other sanctions as deemed
8 appropriate by this Court.

9 11. **Modification of Order.** Nothing in this Stipulation shall prevent any party
10 from seeking modification of this Protective Order or from objecting to discovery that it
11 believes to be otherwise improper. The parties agree that in the event that compliance
12 with this Order makes it difficult for defense counsel to adhere to their Sixth Amendment
13 obligations, or otherwise imposes an unworkable burden on counsel, defense counsel
14 shall bring any concerns about the terms of the Order to the attention of the government.
15 The parties shall then meet and confer with the intention of finding a mutually acceptable
16 solution. In the event that the parties cannot reach such a solution, defense counsel shall
17 have the right to bring any concerns about the scope or terms of the Order to the attention
18 of the Court by way of a motion.

19 12. **No Ruling on Discoverability or Admissibility.** This Protective Order
20 does not constitute a ruling on the question of whether any particular material is properly
21 discoverable or admissible and does not constitute any ruling on any potential objection
22 to the discoverability of any material.

23 13. **No Ruling on Timing of Production.** This Protective Order does not
24 require the Government to provide particular discovery at a time or in a fashion
25 inconsistent with applicable law.

26 14. **Addition of Defendants after Entry of Order.** This Protective Order will
27 cover additional Defendants in this case so long as they agree to be bound by the terms of
28

1 this Protective Order and so indicate that consent by the execution of a supplemental
2 stipulation, which shall be filed as an addendum or supplement to this Protective Order.

3 The Clerk of the Court is directed to provide a filed copy of this Protective Order
4 to the Coordinating Discovery Attorney and all counsel of record.

5 DATED this 10th day of October, 2018.

6
7
8 

9 The Honorable Richard A. Jones
10 United States District Judge
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28